

**J.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>BEATRICE JEFFERSON,</b>	:	<b>CIVIL ACTION NO. 02-2965</b>
<b>Plaintiff</b>	:	
	:	
v.	:	
	:	
<b>QUALITY COMMUNITY</b>	:	
<b>HEALTHCARE FAMILY HEALTH</b>	:	
<b>CENTER,</b>	:	
<b>QCHC FAMILY CENTER,</b>	:	
<b>DANAIL VATEV, M.D.,</b>	:	
<b>DEBORAH ROBINSON, P.A.,</b>	:	
<b>TODD E. NIXON, M.D. and</b>	:	
<b>MCP HAHNEMANN UNIVERSITY,</b>	:	
<b>Defendants.</b>	:	

**PLAINTIFF'S MOTION TO REMOVE FROM DEFERRED STATUS AND  
REMAND TO THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

\_\_\_\_ 1. On February 7, 2002, Plaintiff commenced a medical malpractice action in the Court of Common Pleas of Philadelphia County. The case was captioned at Jefferson v. Quality Community Health Care, Inc., et al., February Term, 2002, No. 944. This action named nine Defendants involved in the negligent medical care and treatment rendered to Plaintiff.

2. On May 17, 2002, the Philadelphia County action was removed by counsel for the United States to the United States District Court for the Eastern District of Pennsylvania.

3. On May 22, 2002, Plaintiff's counsel was notified for the first time that Defendant Quality Community Healthcare, Inc., was a federally funded agency. The United States was substituted for Defendants Quality Community Healthcare, Inc., Quality Community Healthcare Family Healthcare Center, Danail Vatev, M.D. and Deborah Robinson, P.A.

4. On May 24, 2002, Plaintiff subsequently filed a Complaint which set forth various allegations of medical negligence which was rendered to Plaintiff by Defendants. A true and correct copy of this Complaint is attached hereto as Exhibit "A".

\_\_\_\_ 5. On June 19, 2002, Plaintiff's counsel filed an administrative claims action.

6. On June 25, 2002, Plaintiff filed a medical malpractice action in the United States District Court for the Eastern District of Pennsylvania against all the Defendants originally named in the Philadelphia County action.

7. On August 23, 2002, Defendant the United States filed a Motion to Dismiss for Lack of Jurisdiction.

8. On April 8, 2003, the Honorable Clifford Scott entered an Order granting a Joint Motion for Stay pending resolution of the administrative claims.

\_\_\_\_ 9. In March of 2005, the administrative claim in this matter was settled against the United State Defendants.

\_\_\_\_ 10. Jurisdiction is no longer proper in the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 2679(a) as the Plaintiff has settled her claim against the United States.

11. Plaintiff now respectfully requests that the matter be removed from deferred status and that the matter involving the remaining Defendants be remanded back to the Court of Common Pleas of Philadelphia County under its original docket, Jefferson v. Nixon, et al., February Term, 2002, No. 944.

**WHEREFORE**, Plaintiff respectfully requests that the instant matter be removed from deferred status and be remanded to the Court of Common Pleas of Philadelphia County under its original Court Term and Number.

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**THE COLLERAN FIRM**

BY: FTC7886

FRANCIS T. COLLERAN

**VERIFICATION**

I, Francis T. Colleran, Esquire, being duly sworn according to law, verify that the information contained in the foregoing is true and correct to the best of my knowledge, information, and belief. This verification is made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

**THE COLLERAN FIRM**

BY: FTC7886

FRANCIS T. COLLERAN

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that service of a true and correct copy of Plaintiff's Motion to Lift Stay and Remand Matter to the Court of Common Pleas of Philadelphia County was made upon all individuals listed below, by first-class U.S. Mail, postage prepaid, on September 27, 2005.

John J. Snyder, Esquire  
Mary Ann Capriotti, Esquire  
**RAWLE & HENDERSON**  
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**THE COLLERAN FIRM**

BY: FTC7886  
FRANCIS T. COLLERAN